

**United States District Court
for the Southern District of Texas
Houston Division**

United States of America

v.

Wilmar Rene Duran Gomez

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Criminal No. H-10-459

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**JOINT MOTION TO CONTINUE DEADLINE REGARDING SCOPE OF
SUPPRESSION REMEDY ON THE MOTION TO SUPPRESS**

In its July 27, 2022, Order granting Defendant’s Motion to Suppress the Fruits of Unlawful Arrest, the Court directed the parties to “separately provide to the Court the scope of materials that is to be suppressed or submit an agreed statement concerning the same within 20 days.” (ECF No. 775) at 9-10. That submission was originally due to be submitted by August 16, 2022, which has been extended to allow time for the parties to discuss resolution short of trial, and to allow additional time for discussions when Mr. Duran Gomez contracted COVID and was not available for meetings or calls with defense counsel. (ECF Nos. 777, 780, 781). Since the filing of the last joint motion to continue, the parties have continued to make progress, but a little more additional time is needed.

Therefore, the parties, through undersigned counsel, submit this Joint Motion to continue the February 21, 2023, deadline for approximately sixty (60) days for the parties to submit positions regarding the scope of suppression remedy on the Defendant’s Motion to Suppress the Fruits of Unlawful Arrest. The parties submit this request not for purposes of delay, but because they would like an opportunity to discuss resolution of this case which, if successful, would moot the need for further litigation on the Motion to Suppress.

The parties also agree that the time before a final order issues, directing which items are subject to suppression pursuant to the Court's Order on the Motion to Suppress (ECF No. 775), should be excluded from computing the time within which trial must commence, in accordance with 18 U.S.C. § 3161(h)(1)(D), and Mr. Duran Gomez knowingly and voluntarily waives any speedy trial objection while this motion remains pending, including through April 24, 2023.

Undersigned counsel have conferred with counsel for the Government, who have indicated that they join this request.

A proposed order is attached.

Respectfully submitted,

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